

STATE OF ELECTORAL REFORMS IN PAKISTAN

8th Quarter Report

**Citizens Monitoring Report on the
Implementation of the ECP 5-Year Strategic Plan**

April - August 2013

STATE OF ELECTORAL REFORMS IN PAKISTAN

8th Quarter Report

**Citizens Monitoring Report on the
Implementation of the ECP 5-Year Strategic Plan**

April - August 2013

PILDAT is an independent, non-partisan and not-for-profit indigenous research and training institution with the mission to strengthen democracy and democratic institutions in Pakistan.

PILDAT is a registered non-profit entity under the Societies Registration Act XXI of 1860, Pakistan.

Copyright © Pakistan Institute of Legislative Development And Transparency - PILDAT

All Rights Reserved

Printed in Pakistan

Published: October 2013

ISBN: 978-969-558-378-4

Any part of this publication can be used or cited with a clear reference to PILDAT

Supported by

EMBASSY OF DENMARK
DANIDA | INTERNATIONAL
DEVELOPMENT COOPERATION

PILDAT
Pakistan Institute of
Legislative Development
And Transparency

Pakistan Institute of Legislative Development and Transparency - PILDAT

Islamabad Office: No. 7, 9th Avenue, F-8/1, Islamabad, Pakistan

Tel: (+92-51) 111 123 345 | Fax: (+92-51) 226 3078

Lahore Office: 45-A, Sector XX, 2nd Floor, Phase III Commercial Area, DHA, Lahore, Pakistan

Tel: (+92-42) 111 123 345 | Fax: (+92-42) 3569 3896

E-mail: info@pildat.org; Web: www.pildat.org

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

CONTENTS

Foreword

Executive Summary

Key Developments	11
General Election 2013	11
Presidential Election	13
Resignation by the Chief Election Commissioner	14
By-Election	15
Progress on Local Government Election	16
Analysis on the Goals Progressed during period of April – August 2013	17
An Overview of the Progress on the Implementation of the ECP Strategic Plan	18
Appendices	
A. Breakdown of the ECP Strategic Plan Goals and Objectives	21
B. Goal-wise Progress Summary of the ECP Strategic Plan	22
C. Objectives-wise Progress on Implementation of the ECP Strategic Plan	23

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

Foreword

PILDAT Report on State of Electoral Reforms in Pakistan has been prepared to present an overview of the status of electoral reforms from April-August 2013. PILDAT has been monitoring the implementation of Election Commission of Pakistan's 5 Year Strategic Plan since October 2011.

In addition to commenting on key issues occurred during the reporting period, the report carries progress review of Election Commission of Pakistan's 5 Year Strategic Plan as upon the completion of August 2013. The ECP 5 Year Strategic Plan outlines some of the reform initiatives that are planned by the ECP. While the ECP has the responsibility to implement the 5-year strategic plan, it is the responsibility of the citizens to monitor the progress of implementation and raise questions where the progress is slow or stalled. PILDAT's effort in the form of citizens' monitoring is not an effort in finger-pointing and instead it is designed to be helpful to the ECP in overcoming obstacles in the way of timely implementation of its 5-Year Strategic Plan.

Acknowledgments

We wish to thank the **ECP** for providing us the information requested by us regarding the progress on the Strategic Plan and for sparing time to discuss the progress on various objectives of the Strategic Plan.

We also wish to thank the members of the PILDAT **Citizens Group on Electoral Process (CGEP)** for their valuable input, support and expert analysis.

This report is prepared by PILDAT under the project *Supporting Monitoring of Democracy, Electoral Reforms and Development of Youth in Pakistan* which is supported by the **Danish International Development Agency (DANIDA), Government of Denmark**. We wish to thank for their support.

Disclaimer

The views expressed in this report are those of PILDAT and do not necessarily represent the views of DANIDA, the Government of Denmark and the Royal Danish Embassy Islamabad. PILDAT team of researchers has made every effort to ensure the accuracy of the data and analysis contained in this report and any omission or error is not deliberate.

Islamabad
September 2013

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

Executive Summary

Year 2013 has seen Pakistan's first successful transition from one democratic civilian Government, under a civilian democratically-elected President, to another through Pakistan's 10th General Election held on May 11, 2013.

Ahead of 2013 General Election, a number of key electoral reforms were put in place in Pakistan. These reforms came about through Constitutional amendments – starting with 18th Amendment to the Constitution through to the 20th Amendment - Acts of Parliament and administrative actions by the Election Commission.¹ Depicting an impressive record by any standard, the reform process included providing for full-time members of the Election Commission; Bi-partisan process to appoint members of the Election Commission and Chief Election Commissioner; Making Computerized National Identification Card (CNIC) mandatory for registration as a voter and for casting the vote; Preparation of Computerized Electoral Rolls with voters' pictures by using the NADRA database; initiating the mechanism of constituency monitors; instituting a more elaborate system of monitoring election expenses and providing for care-taker Governments during the General Election appointed through a bi-partisan process, etc.

The setting of the 10th General Election of Pakistan, therefore, led for it to be termed as the first General Election to be held under Rule of Law in Pakistan.² Pakistan's 10th General Election, though not without its flaws, was relatively better and unlike the previous nine elections, subject to the rule of law. With the spiraling law and order situation across Pakistan, political parties mainly relied on pre-election media campaigns instead of the traditional political rallies and election campaign.

Many questions were raised about the quality of management of Election Day. Many political parties and individuals charged that election, in at least some constituencies, was manipulated or rigged or mismanaged. This level of protest and open expression of dissatisfaction about the fairness of polls and about the quality of election in general was rather unexpected as the credibility of the Election Commission was rated rather high in public opinion polls before the polling day.³ PILDAT's assessment of the quality of General Election 2013 indicated that the quality of Election during the Pre-Poll phase had been significantly better than the quality on the Polling day indicating that there was a relative dissatisfaction with the quality of election and arrangements on the polling day and immediately following the polling day.

Convening of the bye-election in 15 National Assembly and 26 Provincial Assemblies constituencies on August 22, 2013 in a little more organised fashion in which administrative flaws were a little less obvious than in the General Election also constitutes one of the positive developments for the electoral process during the period covered in this report.

During this period, numerous complaints of mismanagement and delayed action have emerged pertaining to the performance of the Election Commission of Pakistan (ECP). The ECP must undertake a comprehensive review of quality of the General Election by involving all stakeholders.

The ECP exposed its lack of grasp on the concerned Constitutional and legal position when it was unable to plan Presidential election in time that triggered a crisis in which the Supreme Court had to step in. Its inability to defend its position on the Presidential election in the Supreme Court led to the resignation of the Chief Election Commissioner who later on wanted to defy the Supreme Court decision.

In a welcome, though belated development, the Parliamentary Committee on Appointment of the CEC has been formed. It is high time that, learning from the experience and performance of the ECP, the Parliament initiates a change in qualification of the CEC and members of the Election Commission. Chief Election Commissioner (CEC) and other Members of the Election Commission do not have to be necessarily from the Judiciary and a Constitutional amendment in this regard is needed to make

1. For details, please see PILDAT Policy Brief: Agenda for Electoral Reforms in Pakistan after 2013 General Election, July 2013: http://www.pildat.org/Publications/publication/elections/AgendaforElectoralReformsinPakistan_After2013GeneralElectionJuly2013.pdf
2. For detailed analysis, please see PILDAT Paper The First 10 General Elections of Pakistan – A Story of Pakistan's Transition from Democracy Above Rule of Law to Democracy Under Rule of Law: 1970-2013, May 2013, authored by Dr. Hasan-Askari Rizvi and Dr. Ijaz Shafi Gilani: <http://www.pildat.org/Publications/publication/elections/First10GeneralElectionsofPakistan.pdf>
3. For details, please see PILDAT Paper Public Verdict on Quality of Democracy 2008-2013, February 2013: http://www.pildat.org/Publications/publication/SDR/PublicVerdictonDemocracy_2008to2013.pdf

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

it in line with the practice in most of the countries including India, Bangladesh and Sri Lanka where the background of Judiciary is not a pre-qualification.

The progress made on the Election Commission of Pakistan's 5 Year Strategic Plan shows that as of August 31, 2013, the average progress made on 110 objectives which were scheduled to be completed by August 31, 2013 is assessed to be **66%**, whereas this progress should have been **100 %**.

There has been some progress on some of the 15 objectives whose realization is not yet due. The average progress made on 15 objectives is assessed to be **29 %**.

Out of all the Strategic Goals, the greatest progress seems to have been made on *Goal 9: Training, Research & Evaluation*. This goal has witnessed a progress of **82%** in its objectives which were due in August 2013 and progress of **64%** is estimated on the objectives which are due after August 2013. The least progress is made on *Strategic Goal 1: Legal Framework (50%)*.

Review of progress on goals is as follows:

Legal Framework

This is the goal number 1 of the Strategic Plan. The progress on objectives were due by August 2013 is estimated to be **50%**. The overall progress of this objective is 50% as compared to 47% in March 2013.

Election Operations

This is Goal number 3 of the strategic plan. The overall progress of this goal is estimated to be **80%** as compared to 55% in March 2013.

Complaints and Disputes Resolution

This is goal 4 of the strategic plan. Overall progress on this goal is estimated to be **65%**, whereas its progress in March 2013 was 40%.

Restructuring ECP

This is goal 5 of the strategic plan. The overall progress of this goal is estimated to be **85%**.

Logistics, Infrastructure, Equipment

This is goal 6 of the strategic plan and its progress is estimated to be **52%**.

Human Resources

This is goal 6 of the strategic plan. The objectives which were due by August 2013 have a progress of **47 %** whereas the objectives which were due after August 2013 have a progress of **8%**.

Finance & Budget

This is goal 8 of the strategic plan and its over-all progress is estimated to be **52%**, whereas its progress in March 2013 was 28%.

Training, Research & Evaluation

Goal 9 of the strategic plan has witnessed a progress of **82%** in its objectives which were due in August 2013 and progress of **64%** is estimated on the objectives which are due after August 2013.

IT

This is goal 10 of the strategic plan. The progress on objectives which were due by August 2013 is estimated to be **86%**, and on objectives which are due after August 2013 is estimated to be **20%**.

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

Public Outreach

Goal 11 of the strategic plan also witnessed a progress of **83%** on the objectives that were due after August 2013 whereas the objectives that were due by August 2013 are **100%** achieved.

Political Parties & Candidates

This is goal 12 of the strategic plan. The overall progress on this goal is estimated to be **62%** as compared to 36% in March 2013.

Civic & Voter Education

This is goal 13 of the strategic plan. The progress on the objectives which were due by August 2013 is estimated to be **88%**, whereas the progress on objectives which are due after August 2013 is calculated to be **14%**.

Marginalised Groups

Overall progress on this goal is estimated to be **51%** as compared to 31% in March 2013.

Branding

This is goal 15 of the strategic plan. The progress on the objectives which were due by August 2013 or before that is estimated to be **35%**, whereas the progress on objectives due after August 2013 is estimated to be **50%**.

Overall Progress

Overall progress for all the 110 Objectives which were due to be **100%** completed, is assessed to be **66 %** complete as of August 31, 2013. The Progress on 15 objectives which were due after August 31, 2013 is estimated to be **29%**.

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

Key Developments

General Elections 2013

The 13th National Assembly elected through February 2008 General Election, stood dissolved on March 17, 2013 under Article 52 of the Constitution. With the dissolution of the Provincial Assembly of the Punjab on March 20, all 4 Provincial Assemblies' dissolution was completed leading to the appointment of Caretaker Governments at the centre and provinces and enabling the Election Commission of Pakistan (ECP) to hold General Election to the National Assembly and four (4) Provincial Assemblies on the same day. i.e., Saturday, May 11, 2013.

148 political parties registered for seeking election symbols but only 111 fielded candidates for 849 General Seats of the National and Provincial Assemblies. Out of this only 18 political parties made it to the National Assembly in addition to independent candidates.

Many questions were raised about the quality of management of Election Day. Many political parties and individuals charged that election, in at least some constituencies, was manipulated or rigged or mismanaged. This level of protest and open expression of dissatisfaction about the fairness of polls and about the quality of election in general was rather unexpected⁴ as the credibility of the Election Commission was rated rather high in public opinion polls before the polling day.⁵

PILDAT's assessment of the quality of General Election 2013 indicated that the quality of Election during the Pre-Poll phase had been significantly better than the quality on

the Polling day indicating that there was a relative dissatisfaction with the quality of election and arrangements on the polling day and immediately following the polling day.

The quality rating of General Election 2013 indicated that the momentum of improvement in the quality of election that was set into motion in the pre-poll phase could not be maintained on the polling day. Quality of scrutiny of candidates, ECP's mechanism to check overspending by candidates and political parties, ability of the Caretaker Governments to maintain peace and order during the election campaign, independence of media from foreign and commercial interests were five parameters of pre-poll phase which received low scores of 1 or 2. Similarly, in the PILDAT assessment, none of the 15 parameters of Polling-Day Phase could receive a score of 4 or 5. Training of the Polling Staff, Management capacity of the ECP for the polling day, transmission of election results from polling stations to Returning Officer and from returning Officers to the ECP, Arrangements for transportation and Safety of polling material and staff, transparency of consolidation of election results at the constituency level, peace and order on the polling day were nine parameters out of total 15 in Polling-day phase which received low scores of 1 or 2.

Although it appears that different local powerful actors negatively influenced the quality of election in Urban Sindh, especially Karachi, rural Sindh and certain constituencies in the Punjab, there is no evidence at this stage that suggests a planned manipulation of polls by any State institution unlike the strongly suspected Government interference in many of the past elections.⁶

4. PPPP, which won the Provincial Assembly Election in Sindh province but lost elections of the National Assembly and other three Provincial Assemblies, complained that serious irregularities were committed in the Punjab province. The PPPP Sindh Province Secretary General also complained that election in Karachi city was deeply flawed. PTI, which failed to win majority in the National Assembly and Punjab, Sindh and Balochistan but emerged as the largest party in KhyberPakhtunkhwa (KP) Provincial Assembly, was most vocal against the quality of election at the national level and in all the provinces except KP. PML-N, which won election at the national level, in Punjab province and secured significant seats in Balochistan and KP provinces but whose performance was the weakest in Sindh province, joined protests by Pakistan Muslim League Functional (PML-F) against alleged irregularities in election in the Sindh province. JUI-F expressed serious concerns about election results in KP and refused to accept the mandate received by the PTI. The BNP, which could secure only two Provincial Assembly seats in Balochistan, charged that election in Balochistan was manipulated to defeat the BNP. The PML, which was the ruling party from 2002-2007 and was part of the ruling coalition at the national level when the National assembly was dissolved in March 2013, also expressed serious doubts about the fairness of the election. The MQM, which won most of the National and Sindh Provincial Assembly seats in Karachi and other urban areas of Sindh which were traditional stronghold of MQM but which faced strong opposition from the PTI in its strongholds, boycotted the re-polling in some polling stations in Karachi and charged that the Election Commission was not even-handed. The ANP, which lost election in its traditional stronghold KP province and elsewhere accepted the defeat but did express its reservations about the fairness of the election. In addition, many smaller parties and independent candidates who lost election also criticized the quality of election and the performance of the ECP. Many rallies and sit-ins were arranged by various political parties to lodge protest about the alleged irregularities in the election. These protests were in addition to filing complaints with the ECP, Election Tribunals and in some cases Superior Courts.
5. For details, please see PILDAT Paper Public Verdict on Quality of Democracy 2008-2013, February 2013: http://www.pildat.org/Publications/publication/SDR/PublicVerdictonDemocracy_2008to2013.pdf
6. For details, please see PILDAT Assessment of the Quality of General Election, May 2013: <http://www.pildat.org/Publications/publication/elections/AssessmentoftheQualityofGeneralElection2013.pdf>

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

By the time polls closed, at least 20 people had died in attacks. The violence included blasts outside a political office in Karachi that left 10 dead on election day, and left more than 130 people dead in bombings and shootings over the duration of election campaigns run by various political parties. While police and military personnel had been deployed at various polling stations in sensitive areas of Khyber Pakhtunkhwa and Sindh, complaints made it clear that these personnel were insufficient to curb violence.

In response to complaints to the ECP about Election Day Management, the Chief Election Commissioner decided to hold polls once again in 43 polling stations of NA-250, Karachi. For the purposes of this re-poll, Karachi was divided into “zones” and Rangers, police and army personnel were deployed in order to protect voters and polling staff. In light of complaints received, the ECP also decided to hold the polling process again in 6 polling stations of PS-128, PS-112 and PS-113 in Karachi, PK-71 and PK-72 in Peshawar, and 21 polling stations of NA-46 in the Khyber Agency.

Election Results

For the General Election, 2013, the total registered voters were 86,189,802 (86.19 million). This included 37,597,415 (3.76 million) female voters and 48,592,387 (4.86 million) male voters.

148 political parties registered for seeking elections symbols but only 111 fielded candidates for National and Provincial Assemblies. Out of this only 18 political parties made it to the National Assembly in addition to independent candidates.

The electoral outcome of 2013 provided quite a varied landscape. While PML-N emerged as the frontrunner as the single largest party in the National Assembly winning 143 general seats out of 272 and 35 per cent of the votes cast, the electoral landscape changed by the addition of a new political party, PTI, to the key parties list. The PTI, which even though emerged as the third largest party in the 14th National Assembly, won 23 general seats but its vote percentage was 17.8; more than the votes secured by the PPP, which won 33 general seats and its vote percentage was 15.7 only.⁷

The official voter turn-out figure came to be at 55.02 per cent – a marked increase from the voter turn-out

percentage of 44.4 in the 2008 General Election. In Punjab, the voter turn-out stood at 59%; in Sindh 54.64%; in KP, 44.91% and in Balochistan, where it was the lowest, was at 41.47%.

The change in guard in the centre and provinces, through the General Election 2013 has been witnessed as follows: Pakistan's Federal Government was formed by the Pakistan Muslim League-Nawaz (PML-N) with **Mr. Muhammad Nawaz Sharif**, MNA (NA-120, Lahore-III, Punjab, PML-N) as Prime Minister of Pakistan on June 7; while the new Provincial Governments were formed as follows. Balochistan: coalition Government of the PML-N, Pakhtunkhwa Milli Awami Party (PkMAP) and National Party (NP) on June 7 with **Dr. Abdul Malik**, MPA, (PB-48, Kech, Balochistan, NP) as Chief Minister; Khyber Pakhtunkhwa: coalition Government of the Pakistan Tehreek-e-Insaaf (PTI), Jamaat-e-Islami (JI), Qaumi Watan Party (QWP) and Awami Jamhoori Ittehad Pakistan (AJIP) on May 29 with **Mr. Pervez Khattak**, MPA, (PK-13, Nowshera-II, Khyber Pakhtunkhwa, PTI) as Chief Minister; Punjab: Government of the PML-N on June 1 with **Mr. Muhammad Shahbaz Sharif**, MPA (PP-161, Lahore-XI, Punjab, PML-N), as Chief Minister; Sindh: Government of the Pakistan Peoples Party-Parliamentarian (PPPP) on May 29, 2013 with **Syed Qaim Ali Shah**, MPA, (PS-29 Khairpur-1, Sindh, PPPP) as Chief Minister.

7. For details on results of General Election 2013, please see PILDAT Paper on 10 General Elections of Pakistan, August 2013:

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

Presidential Election

A change in guard was witnessed during this period at the Presidency with Mr. Mamnoon Hussain of the PML-N replacing PPP's Mr. Asif Ali Zardari as President of the Islamic Republic of Pakistan.

Presidential election was held on July 30, 2013 in Pakistan to elect the 12th President of Pakistan.

Article 41 of the Constitution of Pakistan requires the Presidential election to be held no earlier than 60 and not later than 30 days before the expiry of the term of the sitting President. Article 41 stipulates that:

(4) Election to the office of President shall be held not earlier than sixty days and not later than thirty days before the expiration of the term of the President in office:

Provided that, if the election cannot be held within the period aforesaid because the National Assembly is dissolved, it shall be held within thirty days of the general election to the Assembly.

(5) An election to fill a vacancy in the office of President shall be held not later than thirty days from the occurrence of the vacancy:

Provided that, if the election cannot be held within the period aforesaid because the National Assembly is dissolved, it shall be held within thirty days of the general election to the Assembly⁸

However, it appears that the Election Commission was caught almost entirely unaware and unprepared to meet the constitutional requirement of the period within which to hold the Presidential Election. Instead of initiating the process within the prescribed time of 60 days, the date of Presidential Election was set at the eleventh hour, for August 6, 2013, which falling too close to the date of *Eid-ul-Fitr* and during the last *ashra* of Ramadan-ul-Mubarak,

was disputed by the Federal Government.

The date of Presidential Election turned into a fiasco when the Federal Government of the PML-N, having been denied its request to pre-pone the date of Presidential Election by the ECP, moved the Supreme Court. Perhaps the Court got most political flak in these 100 days in its judgment on moving the date of the Presidential Election. While the Federal Government moved the Court to change the date of Presidential Election, set by the ECP for August 6, the Court, criticised by the other parties for not hearing their views, reset the date of election to July 30.⁹ Many believe that since the Federal Government was a party, just like any other, fielding its ruling party candidate in the Presidential Election, the views of other parties were just as important to be taken into consideration while making a judgment on the issue. The Court is also criticised for subverting the authority of the ECP which also later resulted in the Chief Election Commissioner, Mr. Fakhruddin G. Ebrahim's resignation from the post, who Stated the reason for his resignation to be the Supreme Court's "encroachment upon the ECP's constitutionally mandated powers."¹⁰

As a result of the judgment of the Supreme Court, the Pakistan Peoples Party the Awami National Party (ANP) and the Balochistan National Party (BNP) announced to boycott Presidential Election, which resulted in the contest only between two candidates: Mr. Mamnoon Hussain backed by the Pakistan Muslim League-N, and Justice (Retd.) Wajihuddin Ahmed backed by Pakistan Tehreek-e-Insaf. Mr. Mamnoon Hussain was elected as President by a majority securing 432 votes.¹¹

8. For details please see Constitution of the Islamic Republic of Pakistan as modified up to 28th February, 2012

9. Please see Presidential Election to be held on July 30: SC, the Express Tribune, July 24, 2013, details at:

<http://tribune.com.pk/story/581281/presidential-elections-sc-asks-ecp-to-reconsider-july-30-as-election-date/>

10. Please see Presidential Elections: SC asks ECP to reconsider July 30 as Election Date, the Express Tribune, July 24, 2013, details at

<http://tribune.com.pk/story/581281/presidential-elections-sc-asks-ecp-to-reconsider-july-30-as-election-date/>

11. For details, please see Mamnoon Hussain elected 12th President of Pakistan, July 30, 2013. The News International:

<http://www.thenews.com.pk/article-111663-Mamnoon-Hussain-elected-12th-President-of-Pakistan>

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

Resignation by the Chief Election Commissioner

The Chief Election Commissioner Fakhruddin G Ebrahim resigned from the office of the CEC on July 31, 2013.¹² The resignation came after one week of the Supreme Court order on which it had asked the Election Commission of Pakistan to hold the Presidential Elections one week before the original date.

The Election Commission of Pakistan had earlier declined the request of the Federal Government to hold the Presidential Elections on July 30 instead of August 6, 2013, after which the Government filed the petition in the Supreme Court as a result of which the Supreme Court ordered the ECP to hold Presidential Election on July 30, 2013.

According to sources, the CEC was displeased by the order of the apex court, as according to him he termed it as an attack on the independence of the Election Commission. Even though, before the Court, the ECP agreed to change the date of the Presidential Election as per Court's orders, the CEC questioned this decision post-effect and wanted to hold the Presidential Election on August 6, as decided by the ECP originally. However, reportedly, his 4 fellow Members of the Election Commission did not endorse his decision post-effect when the ECP had already agreed to change the date as per the Court's orders.

After the resignation of Chief Election Commissioner Justice (Retd.) Fakhruddin G Ebrahim, Leader of the Opposition in the National Assembly, Syed Khurshid Shah, MNA, who had earlier called for the resignation of the CEC and other members of the ECP for alleged "mistakes" in the May 11, General Election, welcomed the CEC's resignation and demanded that the other four (4) members of the ECP should also resign for "failing to protect the independence of the ECP" and for allegedly showing "partiality" in the process for the Presidential Election.¹³

The resignation of Chief Election Commissioner Fakhruddin G Ebrahim was accepted on August 17, 2013 and Justice Tassaduq Hussain Jilani took oath¹⁴ as Acting Chief Election Commissioner.

12. <http://dawn.com/news/1033217/chief-election-commissioner-fakhruddin-g-ebrahim-resigns>

13. <http://dawn.com/news/1034168/shah-urges-all-ecp-members-to-resign>

14. <http://dawn.com/news/1036461/justice-jilani-takes-oath-as-acting-cec>

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

By Election

The country's biggest ever by election on 41 National and Provincial seats was held on August 22, 2013.

The ECP issued a comprehensive Code of Conduct. Although the ECP had also issued a similar Code of Conduct for the General Election 2013, some evidence of strict scrutiny over nomination papers of contesting candidates was seen when the ECP disqualified PTI candidate Ms. Ayla Malik (NA-71, Mianwali-I, KP, PTI) over a fake degree allegation.

On August 22, the largest nationwide by-polls were conducted for 15 vacant seats in the National Assembly and 26 in the four Provincial Assemblies. Of the 41 seats, the PML-N was victorious in 18. The PTI managed to obtain defeat in Mianwali (NA-71) from the PML-N, and from the Awami National Party (ANP) in Peshawar (NA-1) - seats that their Leader Mr. Imran Khan had won in the General Election 2013. Conversely, the PMLN suffered losses against PTI in DG Khan (PP-243) and Ranjanpur (PP-247).

The by-election was marred by some allegations of rigging, while in other constituencies, such as Lakki Marwat (NA-27), Nowshera (NA-5, NA-6) and Mandi Bahauddin (PP-118), women were reportedly barred from casting their vote. In Dera Ismail Khan (NA-25), the by election was postponed due to security concerns. Later the bye elections in this constituency were announced on September 18, 2013

In response to these reported irregularities, the Chief Justice of the Peshawar High Court ordered the arrest of individuals who had been barring women from voting in these constituencies.

Acting Chief Election Commissioner Justice Tassaduq Hussain Jillani visited various polling stations in Karachi and warned voters and party supporters against rigging. As a security measure, and to ensure "transparency", the use of mobile phones was banned at polling stations.

Furthermore, in 18 constituencies, the ECP ordered a re-election due to complaints that women were disallowed from casting their vote. In order to ensure better organization, however, the Election Commission had bifurcated polling stations into "sensitive" and "highly sensitive" so as to allocate sufficient armed forces, including the Rangers and the Army, to ensure a peaceful polling process. As an extreme measure to ensure

transparency and peace on Election Day, army personnel deployed at polling stations were given judicial powers to punish perpetrators of misbehavior and hooliganism on the spot.

Average voter-turnout recorded by the ECP in by-Election stood at 37.98%.

The PTI has continuously alleged rigging in the bye-election, and in pursuit of their allegations, also held a protest and sit-in on August 24. Their sit-in was disturbed by the Police Force, which made the crowd disperse by using forceful means. The PTI activists from Lahore wished to register a protest against the alleged rigging, but were arrested by the police who termed the protest illegal due to a ban imposed by the Government of Punjab on protests held on Mall Road.

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

Progress on Local Government Election

On July 18, 2013, the Supreme Court, in a ruling, asked all Provincial Governments to pass their respective Local Government Laws by August 15 and hold Local Government election by September 15, 2013.¹⁵

Provincial Governments elected to power after 2013 General Election have not been able to hold Local Government Election so far despite the deadline of September 15, 2013 fixed by the Supreme Court. Some progress, however, has been seen on introduction and passage of Local Government laws in provinces due to the Supreme Court's pressure.

Largely as a result of the Supreme Court's intervention, provinces have moved forward on Local Government legislation though the passed laws do not envision a uniform system across the country.

The Sindh Local Government Act was passed by the Sindh Assembly on August 19, 2013; Punjab Local Government Act was passed by the Provincial Assembly on August 21, 2013; while the Balochistan Local Government (Amendment) Act was passed by the Assembly on August 30, 2013. Khyber Pakhtunkhwa is currently working on its draft Bill. The Islamabad Capital Territory Local Government Bill was introduced in the National Assembly on August 27, 2013 and a Bill for Cantonments has also reportedly been drafted by the Ministry of Defence.

The local Government laws have been criticised on a number of counts. The Punjab Local Government Act 2013 has been controversial at best; opposition parties, Lahore High Court Bar Association and some NGOs have announced launching a protest movement against the Act, in addition to filing a petition in court on August 24. The Sindh Local Government Act has also been censured for constituting a weak system of local Government and may also be challenged in Court. While the initiative for local Government has been welcomed, the contents of the Acts have been hotly contested by the opposition and the civil society alike in both provinces. However in Balochistan, the (Amendment) Act passed unnoticed, and was not

opened for debate.

Contrary to its electoral pledge, however, the PML-N which vowed that "*every effort will be made to secure a certain degree of uniformity in the local Government system within and among the provinces,*"¹⁶ plans to hold local Government election on a non-party basis in Punjab, which is not in sync with the rest of the Provincial Governments that are holding it on a party basis.

The failure of the Federal Government of the PML-N has resulted in lack of leadership as it was supposed to take a lead in making a law on Local Governments in the Federally administered areas, and could have, through that law, offered guidance and certain degree of uniformity in the system of Local Governments across the country.

The Supreme Court (SC) order does not apply to the Federally Administered Tribal Areas (FATA) which is presently demanding the same rights as other semi-autonomous units.

Given the time constraints, the Election Commission of Pakistan has declared it extremely difficult to conduct elections by September 15 as 90 days are required after law making to conduct election.¹⁷

Due to the baggage of being a 'favoured system' of the military dictators, local Government system has almost always been discouraged by democratic dispensations in Pakistan. While a resistance to putting in place an empowered third tier of Government was still somewhat understandable prior to 18th Amendment to the Constitution when centre's powers were not devolved to the provinces, little if any reason is left since the year 2010 for Provincial Governments to drag their feet on instituting representative and well-functioning local Governments.

15. Please see SC directs provinces to hold LB polls in Sept, The News International, July 19, 2013: details at <http://www.thenews.com.pk/Todays-News-13-24206-SC-directs-provinces-to-hold-LB-polls-in-Sept>

16. PML-N's Manifesto 2013 can be accessed at: <http://www.pmln.org/manifesto/>

17. Article 140A Local Government: (1) Each Province shall, by law, establish a local Government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local Governments. (2) Elections to the local Governments shall be held by the Election Commission of Pakistan

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

Analysis on the Goals Progressed from April – August 2013

During the past five months, PILDAT could see progress on 13 of the 15 goals of the strategic plan. A description and analysis of the progress on the 13 Goals is as follows:

Legal Framework

This is the goal number 1 of the Strategic Plan. The progress on objectives due by August 2013 is estimated to be **50%**. The overall progress of this objective is 50% as compared to 47% in March 2013.

Election Operations

This is Goal number 3 of the strategic plan. The overall progress of this goal is estimated to be **80%** as compared to 55% in March 2013.

Complaints and Disputes Resolution

This is goal 4 of the strategic plan. Overall progress on this goal is estimated to be **65%**, whereas its progress in March 2013 was 40%.

Restructuring ECP

This is goal 5 of the strategic plan. The overall progress of this goal is estimated to be **85%**.

Logistics, Infrastructure, Equipment

This is goal 6 of the strategic plan and its progress is estimated to be **52%**.

Human Resources

This is goal 6 of the strategic plan. The objectives which were due by August 2013 have a progress of **47%** whereas the objectives which were due after August 2013 have a progress of **8%**.

Finance & Budget

This is goal 8 of the strategic plan and its over-all progress is estimated to be **52%**, whereas its progress in March 2013 was 28%.

Training, Research & Evaluation

Goal 9 of the strategic plan has witnessed a progress of **82%** in its objectives which were due in August 2013 and progress of **64%** is estimated on the objectives which are due after August 2013.

IT

This is goal 10 of the strategic plan. The progress on objectives which were due by August 2013 is estimated to

be **86%**, and on objectives which are due after August 2013 is estimated to be **20%**.

Public Outreach

Goal 11 of the strategic plan also witnessed a progress of **83%** on the objectives that were due after August 2013 whereas the objectives that were due by August 2013 are **100%** achieved.

Political Parties & Candidates

This is goal 12 of the strategic plan. The overall progress on this goal is estimated to be **62%** as compared to 36% in March 2013.

Civic & Voter Education

This is goal 13 of the strategic plan. The progress on the objectives which were due by August 2013 is estimated to be **88%**, whereas the progress on objectives which are due after August 2013 is calculated to be **14%**.

Marginalised Groups

Overall progress on this goal is estimated to be **51%** as compared to 31% in March 2013.

Branding

This is goal 15 of the strategic plan. The progress on the objectives which were due by August 2013 or before that is estimated to be **35%**, whereas the progress on objectives due after August 2013 is estimated to be **50%**.

Overall Progress

Overall progress for all the 110 Objectives which were due to be **100%** completed is assessed to be **66%** complete as of August 31, 2013. The Progress on 15 objectives which were due after August 31, 2013 is estimated to be **29%**.

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

An Overview of the Progress on the Implementation of the ECP Strategic Plan

There are a total of 127 objectives which are to be realized under 15 Strategic Goals of the ECP 5-Year Strategic Plan. Out of these, 4 Objectives do not have any specific deadline as these are continuous or regular or recurrent activities.

Out of the remaining 123 Objectives, 110 objectives were scheduled to be achieved by August 31, 2013. The remaining 15 objectives are scheduled to be achieved after August 31, 2013 - some of them as late as December 2014.

Appendix A: Breakdown of the ECP Strategic Plan Goals and Objectives provides all relevant statistical details about how 127 objectives are divided up among the 15 Strategic Goals. *Appendix B: Goal-wise Progress Summary of the ECP Strategic Plan* presents summary of the estimated progress for each Goal.

We have tried to assess the progress for each objective individually. We have discussed the objectives' progress with more than one knowledgeable expert outside PILDAT and where possible we have provided an opportunity to the ECP to give us a feedback on the assessment of the percentage of Progress made by us.

We have tried to modify our estimate of percentage progress made on individual objectives in case we received a feedback which warranted this modification.

Appendix C: Objectives-wise Progress on Implementation of the ECP Strategic Plan presents not only the progress but a brief account of the progress made which formed the basis of the assessment of percentage progress.

As of August 31, 2013, the average progress made on 110 objectives which were scheduled to be completed by August 31, 2013 is assessed to be **66%**, whereas this progress should have been **100%**.

There has been some progress on some of the 15 objectives whose realization is not yet due. The average progress made on 15 objectives is assessed to be **29%**.

Out of all the Strategic Goals, the greatest progress seems to have been made on *Goal 9: Training, Research & Evaluation*. This goal has witnessed a progress of **82%** in its objectives which were due in August 2013 and progress

of **64%** is estimated on the objectives which are due after August 2013. The least progress is made on *Strategic Goal 1: Legal Framework (50%)*.

APPENDICES

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

Appendix A:

Breakdown of the ECP Strategic Plan Goals and Objectives

Goal No.	Goal Title	Number of Objectives scheduled to be completed BY August 31, 2013	Number of Objectives scheduled to be completed AFTER August 31, 2013	Total number of objectives with specific deadline	Number of Objectives without any specific deadline	Total Number of Objectives
1	Legal Framework	3	0	3	1	4
2	Electoral Rolls	11	0	11	1	12
3	Election Operations	17	0	17	2	19
4	Complaints & Disputes Resolution	4	0	4		4
5	Restructuring ECP	7	0	7		7
6	Logistics, Infrastructure, Equipment	8	3	11		11
7	Human Resources	13	0	13		13
8	Finance & Budget	3	1	4		4
9	Training, Research & Evaluation	10	7	17		17
10	IT	7	1	8		8
11	Public Outreach	2	3	5		5
12	Political Parties & Candidates	6	0	6		6
13	Civic & Voter Education	10	0	10		10
14	Marginalised Groups	6	0	6		6
15	Branding	2	1	3		3
	Total	109	16	125	4	129

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

Appendix B:

Goal-wise Progress Summary of the ECP Strategic Plan

Goal	Goal Title	Progress made on Objectives Scheduled to be completed BY August 31, 2013	Progress made on Objectives scheduled to be completed AFTER August 31, 2013	Total Progress for the Goal as of August 31, 2013	Total Progress for the Goal as of March 31, 2013
1	Legal Framework	50%	0%	50%	47%
2	Electoral Rolls	100%	0%	100%	100%
3	Election Operations	80%	0%	80%	55%
4	Complaints & Disputes Resolution	65%	0%	65%	40%
5	Restructuring ECP	84%	0%	84%	83%
6	Logistics, Infrastructure, Equipment	52%	0%	52%	36%
7	Human Resources	47%	8%	55%	66%
8	Finance & Budget	12%	40%	52%	28%
9	Training, Research & Evaluation	82%	64%	146%	67%
10	IT	86%	20%	106%	90%
11	Public Outreach	100%	83%	183%	95%
12	Political Parties & Candidates	62%	0%	62%	36%
13	Civic & Voter Education	88%	14%	102%	88%
14	Marginalised Groups	51%	0%	51%	31%
15	Branding	35%	50%	85%	60%
	Overall Progress for 15 Goals	66	29	95	76

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

Appendix C: Objectives-wise Progress on Implementation of the ECP Strategic Plan

Strategic Goal	Objectives with Deadline by August 31, 2013			Objectives with Deadline after August 31, 2013		
	Number and Title of Objectives	Progress as of March 31, 2012	Progress as of August 31, 2013	Number and Title of Objectives	Progress after March 31, 2013	Progress after August 31, 2013
1: Legal framework	1: Revise legal framework	75%	75%			
	2: Unification of election laws	65%	65%			
	3: Enhance public understanding of election laws through Urdu translation	0%	0%			
Overall Goal Progress		47%	47%		0%	
2: Electoral Rolls	1. Improve existing CERS	100%	100%			
	2. Agreement with NADRA	100%	100%			
	3. Pilot project for ECP-NADRA collaboration	100%	100%			
	4. Verify Electoral Rolls with NADRA database	100%	100%			
	5. Legislation on mandatory CNIC	100%	100%			
	6. ECP Infrastructure for maintaining Voters Data	100%	100%			
	7. Study on female enumerators	100%	100%			
	8. Simplify voters registration forms	100%	100%			
	9. Study on picture in electoral roll	100%	100%			
	10. improve display of draft rolls	100%	100%			
	11. extend CERS to all country	100%	100%			
Overall Goal Progress		100%	100%		0%	
3: Election Operations	1. Identify new buildings for polling stations	95%	100%			
	2. Recruitment & Hiring System for temporary staff	65%	65%			
	3. Establish Polling Staff Database	25%	50%			
	4. EVM Study	100%	100%			
	5. Establish permanent polling stations	30%	90%			
	6. Explore CCTV monitoring	100%	100%			
	7. Linkage between polling stations and electoral rolls	50%	100%			
	9. Simplify election related forms	25%	50%			

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

	12. Review guidelines for polling agents	45%	100%			
	13. Examine postal ballot system	45%	55%			
	17. Review Election symbols	100%	100%			
	14. Booklet for candidates	100%	100%			
	8. Increase number of polling stations	100%	100%			
	10. Efficient Results Management System	95%	100%			
	15. Enhance access to Election Observers	75%	100%			
	11. publish polling station-wise results on ECP website	0%	50%			
	16. Delimit Constituencies for N.A and PA	0%	0%			
Overall Goal Progress		62%	80%		0%	
4. Election Complaints & Disputes Resolution	1. Designate officer to deal with Pre-Poll complaints.	0%	100%			
	2. Ensure appropriate legislation for electoral disputes resolution system	50%	50%			
	3. Establish Complaint Management Committees	10%	10%			
	4. Put in place a complaint tracking system	100%	100%			
Overall Goal Progress		40%	65%		0%	
5. Restructuring the ECP	1. Develop and approve the re-organization plan	100%	100%			
	2. Organizational restructuring of the ECP	100%	100%			
	3. Establish a Legal Unit headed by a Deputy Secretary.	100%	100%			
	4. Establish a Training, Research and Evaluation Wing.	100%	100%			
	5. Update DG IT to BS 20.	100%	100%			
	6. Establish an Electoral Rolls Unit.	10%	10%			
	7. Strengthen the Federal Election Academy	70%	75%			
Overall Goal Progress		83%	83.6%		0%	

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

6. Logistics, Infrastructure and Equipment for ECP	1. Conduct a comprehensive need assesment of ECP infrastructure.	50%	50%	2. Construct/Purchase ECP buildings for Field Offices	0%	0%
	7. Replace/purchase vehicles for District offices	50%	50%	3. Construct Housing for ECP staff	0%	0%
	8. Purchase Computers, scanners, printers furniture etc	100%	100%	4. Construct ECP warehouses for Election Material	0%	0%
	10. Review and maintain computer based inventory of Election Supplies.	50%	50%			
	11. Adopt a policy for engaging private vehicles for elections	25%	25%			
	5. Construct building for ECP Federal Election Academy	10%	20%			
	6. Construct additional space for Court Room at ECP Secretariat.	10%	20%			
	9. Develop logistics plan for conducting elections	50%	100%			
Overall Goal Progress		43%	51.9%		0%	0%
7. Human Resources Compensation	1. Develop a comprehensive HR policy	100%	100%			
	2. Review and update HR rules.	75%	75%			
	3. Prepare TOR/Job Descriptions of each position	75%	75%			
	4. Establish policy for initial appointment of officers in BPS-17	50%	50%			
	5. Increase pay structures	0%	0%			
	6. Review the existing promotion policy.	30%	30%			
	7. Ensure that eligible women have atleast 10% representation in the ECP jobs.	25%	35%			
	8. Ensure that eligible persons with disabilities have atleast 2% representation in the ECP jobs	0%	0%			
	9. Ensure that eligible minorities have atleast 5% representation in ECP jobs.	0%	0%			
	10. Create a pool of former and serving officers.	30%	50%			
	11. Prepare the ECP officers for the role of DROS, Ros	100%	100%			
Overall Goal Progress		44%	46.82%		0%	

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

8. Finance and Budget	1. Ensure Complete financial autonomy.	25%	25%	3. Raise funds for the implementation of the ECP strategic Plan.	30%	40%
	2. Computerized the Budget Wing	0%	10%			
	4. Asses and strengthen the current procurment policy	0%	0%			
Overall Goal Progress		8%	11.67%		30%	40%
9. Training, Research and Evaluation	1. Stngthen the Federal Election Academy to make it a model training institution.	65%	65%	2. Build Capacity for all employees through training.	40%	75%
	4. Develop curricula for various training programmes.	50%	75%	3. Conduct Specific workshops for various officials.	45%	75%
	5. Conduct BRIDGE Training for ECP officials	50%	50%	6. Conduct Research on contemporary electoral issues	35%	35%
	9. Develop a pool of resource persons for FEA.	100%	100%	7. Undertake Election-related Study Visits	50%	50%
	14. Specialized IT training	30%	75%	16. Cordinate with Donor agencies.	45%	75%
	8. Monitor and evaluate all programmes and projects.	30%	75%	17. Cordinate with Training Wing of the Establishment Division.	0%	75%
	10. Train polling officers.	50%	85%			
	11. Train political party agnts.	0%	100%			
	12. Conduct trainings/briefings for election observers.	40%	100%			
	13. Conduct training of Security Personnel.	0%	100%			
	15. Conduct IT trainings in country-wide offices.	10%	75%			
Overall Goal Progress		39%	81.82%		36%	64.17%
10. Information Technology	1. Formulate a comprehensive IT policy.	50%	50%	7. Introduce a geographical information system.	10%	20%
	2. Strengthen the IT infrastructure at ECP.	100%	100%			
	4. Re-Design the ECP web	100%	100%			
	5. Restructuring the IT directorate.	100%	100%			
	6. Establish computerized electoral rolls data centre.	100%	100%			

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

	8. Develop and Implement comprehensive information security and private policy.	10%	50%			
	3. Extend the ECP Intranet portal facility.	100%	100%			
Overall Goal Progress		80%	85.71%		10%	20%
11. Public Outreach and Interaction.	4. Establish a permanent Media Centre at the ECP.	50%	100%	1. Increase the level of Interaction with Political Parties.	60%	75%
	5. Publish and ECP quarterly newsletter.	90%	100%	2. Hold regular consultations with political parties and civil society organization.	50%	100%
				3. Develop and implement media outreach policy and strategy.	60%	75%
Overall Goal Progress		70%	100%		57%	83.33%
12. Political Parties and Candidates	1. Reform Legislation on Political finance	75%	75%			
	2. Develop regulations and mechanisms.	40%	55%			
	3. Publish the financial statements of Parliamentarians on ECP Website.	0%	40%			
	4. Strengthen Code of Conduct for parties/candidates.	80%	100%			
	5. Train political party reps & candidates on electoral rolls	0%	0%			
	6. Make changes in statement of assets & liabilities Form	100%	100%			
Overall Goal Progress		49%	61.67%		0%	0%
13. Civic and Voter Education.	1. Conduct a baseline survey to determine participation rates of various segments of society	100%	100%			
	2. Develop civic and voter education strategy.	100%	100%			
	3. Implement civic and voter education strategy.	50%	75%			
	4. Increase the % of voter turnout from 44 to 63 %.	50%	100%			
	5. Increase the turnout of female voters.	40%	100%			
	6. Increase the turnout of minority voters.	0%	100%			
	7. Increase the turnout of persons with disabilities	0%	100%			
	8. Minimize election violence thru voter education	0%	100%			
	9. Include voter education in schools curricula	0%	100%			
	10. Develop youth-specific awareness campaigns.	10%	100%			
Overall Goal Progress		35%	87.5%		0%	0%

State of Electoral Reforms in Pakistan
Implementation of the ECP 5-Year Strategic Plan
April - August 2013

14. Marginalized Groups	1. Support legislation on participation of disabled.	0%	0%			
	2. Conduct research on voting participation of disabled	10%	20%			
	4. Conduct research on voting participation of women	100%	100%			
	5. Develop and implement policies to increase electoral participation of women & marginalised groups	15%	35%			
	6. Train ECP officials re participation of disabled voters.	50%	50%			
	3. Develop awareness materials for participation of the marginalised.	10%	100%			
Overall Goal Progress		31%	50.83%		0%	0%
15. Branding of the ECP.	1. Develop a design for Divisional & District Office Buildings	10%	20%	2. Develop and Launch Media Campaign around the vision & Mission of ECP	30%	50%
	3. Develop an ECP branding.	50%	50%			
Overall Goal Progress		30%	35%		50%	50%
Total Objectives	110		991.46%	15		257.50%
Overall Progress			66%			29%



Islamabad Office: No. 7, 9th Avenue, F-8/1, Islamabad, Pakistan

Tel: (+92-51) 111 123 345 | Fax: (+92-51) 226-3078

Lahore Office: 45-A, Sector XX, 2nd Floor, Phase III Commercial Area, DHA, Lahore

Tel: (+92-42) 111 123 345 | Fax: (+92-42) 3569 3896

E-mail: info@pildat.org | Web: www.pildat.org